IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3022 OF 2007

Sangeeta Ashok Pawar ..Applicant

versus

State of Maharashtra ..Respondents

Mr. Ashok Kumar Yadav for the Applicant.

Mr. K. V. Saste, APP for the Respondents - State.

CORAM : V. C. DAGA, J.

DATE : 28TH SEPTEMBER, 2007.

P.C.

. Heard learned counsel for the Applicant and the learned APP for the State.

2. The Applicant is seeking bail under Section 438 of the Cr.P.C. in C.R. No.I-202 of 2007 registered with Vartak Nagar Police Station for the alleged offences alleged under Section 376 read with 34 of I.P.C. The Applicant is the aunt of the prosecutrix. The Applicant is in custody since June 2007. Investigation is complete. Charge sheet is filed. The relations between the family of the

prosecutrix and the present Applicant are strained. In these circumstances, possibility of tampering with prosecution witness or evidence is remote. No useful purpose will be served by keeping the Applicant in jail custody. She being a woman would be entitled for special consideration.

3. In the above view of the matter, I am inclined to grant bail to the Applicant, subject to the following conditions:

(a) The Applicant, arrested in connection with C.R. No. I-202 of 2007 registered with Vartak Nagar Police Station, shall be enlarged on bail in the sum of Rs.10,000/- (Rupees Ten Thousand) with one or two local sureties to make up the said amount.

(b) The order of bail will be given effect only after the Applicant furnishes to the Investigating Officer the details about her place of residence and address where she proposes to stay after she is enlarged on bail. The Applicant will not change her

residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

(c) The Applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) The Applicant to cooperate with the Investigating Agency, if need be and to attend call of the Investigating Officer as and when given for interrogation or for enquiry.

(e) It is needless to mention that breach of any of the conditions by the Applicant shall result in cancellation of bail.

(f) Any observation made in this Order shall not be construed as finding or expression on merits of the case at the time of trial.

4. Application stands disposed of accordingly.

JUDGE